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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

15 DORA SOLARES.

Case No. 1:20-cv-00323-LHR-BAM

Plaintiff.

**[PROPOSED] AMENDED
SCHEDULING ORDER; AND THE
POSITIONS OF THE PARTIES
THEREON**

18

Hon. Lee H. Rosenthal

19 | P A G E

Defendants

22 | DORA SOLARES.

Plaintiff,

V.

Case No. 1:21-cv-1349-LHR-BAM

**[PROPOSED] AMENDED
SCHEDULING ORDER; AND THE
POSITIONS OF THE PARTIES
THEREON**

26 JOSEPH BURNS et al

Defendants.

1 **COME NOW** Plaintiff Dora Solares and Defendants Burnes, Gallemore,
 2 Gamboa, Garcia, Loza, Maytubby, Munoz, and Pena and Defendant Silva
 3 ("Solares I") and Plaintiff Dora Solares and Defendants Burnes and Beam
 4 ("Solares II") and hereby submit the following distinct and dueling proposed
 5 amended schedules in two cases, *Solares v. Diaz* (E.D. Cal. Case No. 1:20-cv-
 6 00323-LHR) ("Solares I") and *Solares v. Burns* (E.D. Cal. Case No. 1:21-cv-
 7 01349-LHR) ("Solares II"), as well as an explanation of each party's respective
 8 position on the proposed schedules.¹

9 **Solares I**

| Event | Current Date | Defs' Proposal | Pltff's Proposal |
|--|---------------------|-----------------------|-------------------------|
| Close of non-expert discovery | 8/22/25 | 11/20/25 | 1/30/26 |
| Initial expert reports | 9/5/25 | 12/10/25 | 2/27/26 |
| Opposing experts | 10/3/25 | 1/15/26 | 3/27/26 |
| Close of expert discovery | 10/24/25 | 2/5/26 | 4/24/26 |
| Pretrial dispositive motion deadline | 11/21/25 | 3/5/26 | 6/12/26 |
| Joint Pretrial Order and Motion in limine deadline | 1/9/2026 | 4/24/26 | 7/24/26 |
| Docket call | 1/23/26 | 5/8/26 | 8/21/26 |

17 **Solares II**

| Event | Current Date | Defs' Proposal | Pltff's Proposal | Defs' Alternate Proposal |
|--|---------------------|-----------------------|-------------------------|---------------------------------|
| Close of non-expert discovery | 9/12/25 | 12/18/25 | 12/12/25 | 2/27/26 |
| Initial expert reports | 9/26/25 | 1/23/26 | 1/09/26 | 3/27/26 |
| Opposing experts | 10/24/25 | 2/20/26 | 1/30/26 | 4/24/26 |
| Close of expert discovery | 11/14/25 | 3/16/26 | 2/20/26 | 5/15/26 |
| Pretrial dispositive motion deadline | 12/5/25 | 4/17/26 | 3/20/26 | 7/17/26 |
| Joint Pretrial Order and Motion in limine deadline | 2/6/2026 | 7/22/26 | 4/24/26 | 9/4/26 |
| Docket call | 2/20/26 | 8/7/26 | 5/08/26 | 9/26/26 |

27 ¹ The Court recently granted Plaintiff's motion to amend the complaint to add
 28 defendant Fugate in *Solares II*. ECF No. 70.

1 Plaintiff Dora Solares's Position as to the Proposed Scheduling Orders is as
2 follows: the discovery necessary to be completed in *Solares II* is much less involved
3 than *Solares I*, and *Solares II* has fewer defendants, and it is a simpler case.
4 Consequently, it does not make sense to move *Solares II* out to a docket call of
5 August 7, 2026, when discovery is too close on December 18, 2025. That would be
6 an eight-month delay between close of discovery and docket call, which is much
7 longer than the current five-month gap between the current dates for close of
8 discovery and docket call. Additionally, the period of time needed to complete fact
9 discovery in *Solares I* – especially if Plaintiff has to continue to litigate Osuna's
10 mental health records in the Superior Court for the County of Kings, and
11 considering the difficulty in scheduling a deposition of Osuna at CSP Corcoran – is
12 greater than the only two months allotted in Defendants' proposed schedule. Given
13 the time needed for discovery in *Solares I* exceeds the time needed to complete
14 discovery in *Solares II*, it makes sense to set the *Solares II* trial before *Solares I*.

15 Defendants' Position as to the Proposed Scheduling Orders is as follows:
16 The *Solares I* wrongful death suit is the main case here and should proceed to trial
17 first. Plaintiff proposes swapping the cases because Plaintiff believes that *Solares II*
18 is “simpler” and “much less involved” than *Solares I*. In *Solares II*, Plaintiff has just
19 added a new Defendant with a new set of facts and that Defendant has not been
20 served yet. At this point Plaintiff’s declaration that the *Solares II* case will be simple
21 is based mainly on speculation since the new Defendant has not even been served,
22 let alone discovery commenced. Meanwhile, the main complication Plaintiff cites
23 with regard to *Solares I* is Plaintiff’s pursuit of Osuna’s privileged mental health
24 records by attempting to show that Osuna has waived privilege.

25 Defendants do not believe Plaintiff will be able to show a waiver by Osuna
26 that extends to allow Plaintiff to use his privileged records in this case in which
27 Osuna is not a party. Plaintiff should drop the pursuit of Osuna’s privileged records
28 and focus on completing the other remaining discovery in *Solares I* this year, as

shown in Defendants' proposal, above.

However, should the Court find that Plaintiff does need more time in Solares I, that is no reason to move Solares II ahead of Solares I, particularly because Solares II is a brand new case as to Defendant Fugate. In the event that Plaintiff's proposal for Solares I is adopted, Defendants propose an alternative schedule for Solares II, shown above, which would keep Solares I as the first case to proceed.

Respectfully submitted,

Dated: September 22, 2025

LAW OFFICES OF ERIN DARLING

By: */s/Erin Darling*
Erin Darling,
Attorneys for Plaintiff Dora Solares

Dated: September 25, 2025

Respectfully submitted,

ROB BONTA
Attorney General of California
JON S. ALLIN
Supervising Deputy Attorney General

*/s/Jeremy Duggan (as authorized on
9/25/25)*
JEREMY DUGGAN
Deputy Attorney General
Attorneys for Defendants
*Burnes, Gallemore, Gamboa, Garcia,
Maytubby, Munoz, Loza, and Pena
(And Defendant Burnes)*

Dated: September 25, 2025

ANDRADA & ASSOCIATES

*/s/ Lynne G. Stocker (as authorized on
9/25/25)*
By: Lynne G. Stocker
*Attorneys for Defendant SILVA
(And Defendant Beam)*